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AUTHOR Patrick, John J.
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ABSTRACT

Although the collection of papers known as "The Federalist" (first published in 1788) has offered enduring wisdom to lawyers, judges, politicians, and scholars about principles and issues of constitutional government, this classic work has not occupied a prominent place in high school history and government courses. "The Federalist" deserves to occupy a prominent place and it should serve as an anchor for citizenship education. High school textbooks and curricula have treated "The Federalist" quite shabbily out of a belief that the document was too old, too removed from modern political realities, and too difficult to meet the interests and needs of modern students. Yet "The Federalist" can present teachers and students with insightful and provocative responses to the paradoxical problems of constitutional democracy--perennial problems that must be addressed by every generation of citizens. Three strategies for teaching and learning "The Federalist" are proposed and discussed: (1) document-based teaching and learning; (2) issues-based teaching and learning; and (3) course-wide infusion of core ideas. By challenging high school students to analyze and appraise ideas and issues in "The Federalist," secondary school teachers can contribute significantly to perpetuation of civic learning for ordered liberty in a civil society. (DB)

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TEACHING THE FEDERALIST PAPERS IN SECONDARY SCHOOLS

John J. Patrick
Director, Social Studies Development Center
Indiana University

U.S. DEPARTMENT OF EDUCATION
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John J. Patrick

Soon after publication of The Federalist,[1] George Washington predicted that it would transcend the time and circumstances of its publication to become a generally admired treatise on free government: "When the transient circumstances and fugitive performances which attended this Crisis shall have disappeared," said Washington, "that Work will merit the Notice of Posterity; because in it are candidly and ably discussed the principles of freedom and the topics of government, which will be always interesting to mankind so long as they shall be connected in Civil Society."[2]

Washington's prophecy has come true. From the founding period to modern times, lawyers, judges, politicians, and scholars have used The Federalist to guide their inquiries, deliberations, and decisions about principles and issues of constitutional government. Two hundred years after its publication, during our bicentennial celebration of the U.S. Constitution, historian Richard B. Morris concluded that The Federalist "has remained profound, searching, challenging, and . . . everlastingly controversial."[3]

This strong praise for The Federalist, across two centuries of American history, might lead one to expect a secure and prominent place for it in the curricula and

classrooms of our schools, as a staple of courses in history and government and as an anchor for citizenship education. But this is not so! A significant gap separates the educational realities from the elegant rhetoric about the perennial civic significance of The Federalist.

The Status of The Federalist in the High School Curriculum

Curriculum developers and textbook publishers seem to value The Federalist much less than the political and academic luminaries who have so lavishly lauded it. This classic work is mentioned only briefly, if at all, in widely used high school textbooks and curriculum guides on American history, government, and civics.

The best-selling high school government textbook, Magruder's American Government, is also the leader in coverage of The Federalist, which makes the preceding point about the paucity of coverage of this document. Only five pages of this textbook include mention of The Federalist, with little or no discussion of the ideas in it; and one page has a quotation from No. 47 about separation of powers as a means to limited govenment. In addition, the Appendix to this book includes the complete text of Madison's paper No. 10. However, the document is presented without context or explanation; there is only a one-sentence introduction, which is cryptic and somewhat misleading about the contents of the essay.[4]

Other widely used textbooks mention The Federalist in one or two paragraphs in a section of the standard chapter on the framing and ratifying of the Constitution.[5] This lack of coverage in current textbooks is consistent with practices in the recent past. A 1959 study of high school textbooks revealed that only three civics textbooks even mentioned The Federalist. In addition, "of seventeen history and government textbooks, twelve made only minimal reference to the essays."[6]

Of course, abysmal ignorance is the inevitable consequence of this kind of neglect. Recent national assessments in history and civics have revealed massive ignorance of key ideas and information about constitutional government in the United States, its origins, development, and core principles. Only 40% of 17-year-olds knew that The Federalist was written to support ratification of the Constitution. Furthermore, this national sample of high school students achieved a dismal average score of 54.4% on a 19-item test about principles and issues of constitutional government in the United States.[7]

Why is The Federalist treated so shabbily in our high school textbooks and curricula? The unfortunate answer: civic educators in our schools have tended to believe that The Federalist is too old, too arcane, too removed from modern political realities, and too difficult to meet the interests and needs of modern students. Is it? Can these

objections to The Federalist in the high school curriculum be met and turned aside? Or is there really little or no justification for teaching and learning this venerated treatise in today's high schools? Why should we teach The Federalist Papers in high school history and government courses?

Why Teach The Federalist to High School Students

The Federalist Papers illuminate and stimulate thought about ends and means of free government. Hamilton, Madison, and Jay, writing as Publius, profoundly examined the enduring problems and issues of free government, which our students must know to fully exercise their rights and responsibilities as citizens under their Constitution.

Consider the basic paradox of constitutional democracy in modern times: how to have majority rule with protection of the rights of individuals, all individuals, including those who are members of unpopular minority groups. We accept and teach this conception of democracy to our students. We readily recognize that both majority rule and individual rights are values at the core of our civic culture and our high school curriculum. Taken to its extreme, however, majority rule would destroy the rights and liberty of individuals in the minority, as Publius sagely warned in The Federalist Nos. 10 and 51. Conversely, unlimited rights and freedoms for individuals or minority

groups would preclude majority rule, and civil society too.[8]

Majority rule and individual rights--these contrapuntal values that define a constitutional democracy; they are inevitably in conflict. But if free government is to endure, then the rival claims of majorities and minorities must somehow be limited and accomodated. In several numbers of The Federalist, Publius frames the problem and tells us how to deal with it through constitutional structures, such as an extended federal republic and separation and sharing of powers among different branches of government. We should challenge our students to examine Publius' response to this perennial issue of free government, and to assess strengths and weaknesses of Publius' solution for Americans of his time and our time.

Majority rule with individual rights, however, is only one of several perennial predicaments of our constitutional democracy treated in The Federalist. Consider the overriding importance and enduring relevance of three other examples.

Public order with private rights--this paradox poses the problem of finding a workable balance between order and liberty in a government that is both strong and limited, with enough power to act for the common good and sufficient limits to guard the liberty of individuals from abuses of public power. Ideas on public order and private rights pervade The Federalist; however, Nos. 10, 23, 37, and 47-51

provide especially illuminating and stimulating commentaries about how to distribute power in a government to establish foundations for both order and liberty in a civil society.

National sovereignty with powers reserved to the states--this problem is the challenge of finding a workable division of authority and duties in a large federal republic that includes a sovereign and energetic national government and several state-level republics that also exercise significant powers. Ideas on federalism, republicanism, and states' rights are treated throughout The Federalist; but teachers and students should concentrate on Nos. 9, 10, 14, and 39.

National security with personal liberty--this problem involves simultaneous provision of common defense for the society and protection of liberty for persons threatened by overbearing defenders of the commonweal. The best papers in The Federalist on this subject are Nos. 2, 4, 23, 24, and 41, especially No. 41.

Each of these unavoidable and paradoxical problems of our constitutional democracy challenges us--as teachers, students, and citizens--to conjoin seemingly opposing values to create a workable synthesis. Each problem requires a search for acceptable limits on contending forces. Responses to these generic questions will vary with issues and their circumstances. But the civic values and principles in the problems, such as public order and personal liberty--these

are the constant characteristics of a constitutional democracy. If either one of the opposing civic values is sacrificed to the other, then the constitutional democracy is lost. Our students need to learn this, and we can use The Federalist to help them do it.

By turning to The Federalist, teachers and students can find insightful and provocative responses to the paradoxical problems of constitutional democracy. These responses are not correct in every detail; for example, Publius' prediction in No. 78 about the federal judiciary's weak position relative to the other branches of government does not fit our current constitutional system. Furthermore, many ideas in The Federalist are debatable today, as they were during the founding period. However, these ideas remain valuable, because they are indisputably applicable to the ongoing concerns and issues of government in our democratic republic.[9]

Examination of perennial constitutional problems posed in The Federalist, and the historical and current issues associated with them, requires knowledge of first principles of constitutional government in the United States, such as popular sovereignty, federalism, republicanism, separation of powers, checks and balances, limited government, rule of law, individual rights, common good, and so forth. These ideas of The Federalist are familiar to civic educators, because they are emphasized in statements of educational

goals and in syllabi for courses in history and government. They are embedded in the curricula of our schools, and in the pages of The Federalist; and by using these pages in the classroom, high school history and government teachers can do much to help their students learn more fully about the roots of their constitutional democracy.

But critical questions remain. Can the contents of this classic work be taught successfully to high school students? My answer: certainly ideas in this work can be learned by many of our students, if not by all of them. Responsible educators, however, should not deprive anyone of knowledge and skills merely because they cannot be mastered by everyone. These papers are profound, and teaching and learning them requires sustained effort and intelligence. But these obstacles to civic enlightenment are not insurmountable. They certainly can be overcome by creative and resourceful teachers with commitment to maintaining the civic tradition of The Federalist.

Strategies for Teaching The Federalist

Consider these three generic strategies for teaching and learning The Federalist: (1) document-based teaching and learning, (2) issues-based teaching and learning, and (3) course-wide infusion of core ideas. These three categories are not presented as definitive; they do not exhaust the pedagogical possibilities. But they are likely to be useful

guides to the teaching and learning of ideas in The Federalist; and they may stimulate additional thoughts about how to present these valuable but difficult materials to high school students.

Document-based Teaching and Learning. Most high school students will need careful guidance in their initial confrontations with the original text in The Federalist. It is not advisable to require them, at first, to read the complete texts of selected papers. Rather, these essays should be abbreviated, annotated, and otherwise edited to aid the comprehension and interpretation of main ideas by high school students. Furthermore, each excerpt from a Federalist paper should be introduced with a carefully worded statement about the main ideas covered in the document. Finally, questions should be posed at the end of the document that require students to identify main ideas in it and demonstrate that they comprehend them.

Given standard constraints of time, and the need to study other materials, only a few papers in The Federalist can be included in the curriculum. At a minimum, use Nos. 1, 10, 47, 51, and 78. Number 1 introduces the work; Nos. 10, 47, and 51 express key ideas about how to structure a popular government that can both protect private rights and provide public order and security; and No. 78 is a classic discussion of an independent judiciary and judicial review as bulwarks of limited government and the rule of law.

Additional papers recommended for the high school curriculum, if time permits, are Nos. 14, 15, 23, 37, 39, 41, 48, 70, and 84. These papers are chosen because they treat principles and concepts of government embedded in standard high school courses of study.

Teachers might decide that some of their students are able to work with the complete and unedited versions of these papers. This is always best, if students can do it. If not, teachers should look for high-quality learning materials on these documents, which have been prepared for high school students; or they should create materials, tailored to the special needs of their students.[10]

Issues-based Teaching and Learning. Selected papers of The Federalist are not only useful sources about principles of constitutional government in the United States, but they also serve to illuminate the perennial issues, the classic controversies of our political system, such as how to conjoin majority rule with individual rights. These basic issues can be the objects of lively classroom activities: roundtable discussons, forums, and debates that involve deliberation, discourse, and decisions on alternative positions of the Federalists and their Anti-Federalist foes about ratification of the Constitution of 1787.

Issues-based teaching of The Federalist requires examination by students of select papers of the Anti-Federalists. For example, Publius' position on the

nature of federalism and republicanism, in Nos 9, 10, 14, 39, and 51 of The Federalist, can be countered with select Anti-Federalist writings on the same concepts: Letter IV of Agrippa, Letters I and XVII of the Federal Farmer, and Essays I and IV of Brutus. Students might be asked to assess the contending positions during a roundtable discussion, and then to choose one side or the other for a classroom debate about some controversial proposition in the documents.

Amendments proposed by Anti-Federalists during the state ratifying conventions of 1787-1788 can be stimulating foci for classroom debates today. For example, students might be asked to debate this amendment proposed by the New York ratifying convention: "That the Senators and Representatives and all Executive and Judicial Officers of the United States shall be bound by Oath or Affirmation not to infringe or violate the Constitutions or Rights of the respective States."[11] A classroom debate on this proposition would require students to draw upon the conflicting positions about federalism and republicanism in The Federalist and writings of the Anti-Federalists.

Here is another example of a possible topic for classroom debate, which comes from the list of amendments proposed by Anti-Federalists at the Pennsylvania ratifying convention: "That the power of organizing, arming and disciplining the militia remain with the individual states, and that Congress shall not have authority to call or march

any of the militia out of their own state, without the consent of such state, and for such length of time only as such state shall agree."[12] The spirit of this proposal has re-emerged in our time in relationship to deployment of national guard units in Central America.

Many of the Anti-Federalist ideas for amending the Constitution of 1787 have modern counterparts. For example, current proposals for one six-year presidential term of office can be traced to the Anti-Federalists; so can calls for introducing to the national level of government the recall of elected officials and the referendum on legislation, which are employed in several state governments.

Course-wide Infusion of Core Ideas. In teaching ideas of The Federalist and the Anti-Federalists, we should begin, of course, with the origins of the United States. Lessons about these political foes should be parts of instructional units on ratification of the Constitution in American government and history courses. However, teachers should not restrict their treatments of The Federalist and the Anti-Federalist writings to the founding period. There are other entry points in the curriculum for these materials and the ideas in them. For example, excerpts from these classic documents are applicable to the several parts of the high school government course that focus on principles of constitutional democracy, such as the standard lessons on

separation of powers, checks and balances, federalism, the presidency, the Congress, the federal judiciary, and the civil rights and liberties of individuals.

High school teachers of United States history can refer to The Federalist in their treatments of issues about states' rights and federalism that led directly to the Civil War. Furthermore, the Civil War Amendments to the Constitution, especially the 14th Amendment, can be examined fruitfully from the perspective of The Federalist. The same point can be made about the applicability of ideas in The Federalist to studies of constitutional changes from the Progressive Era to our own time. Issues in landmark cases of the Supreme Court can also be studied in relationship to ideas in The Federalist, since the Justices often referred to these ideas as they formed opinions in these cases.

World history teachers might explore with students the European roots of ideas in The Federalist. They might teach about connections of the Enlightenment in Europe, and of the English legal tradition, to the theory and practice of politics in 18th-century America. Finally, teachers and students of world history and current events might explore the world-wide influence of American ideas on constitutional democracy, especially original ideas of The Federalist about ordered liberty and free government. The forces of civic change in Eastern Europe today, for example, might be examined in relationship to civic ideas in The Federalist.

Conclusion

Teachers can use The Federalist to help their students develop reasoned commitment to the principles of free government, an overriding goal of civic education in the United States. Education for reasoned commitment to constitutional democracy is not an ideological exercise, not a means to "true belief" in dogma. Rather, it is an extension to each generation of citizens of the challenge faced by Publius during the founding period--the challenge of coping with the enduring issues of free government, of improving the constitutional order incrementally through responses to these issues, of eschewing utopian solutions, and of passing on the tradition of free government (and the issues inherent in it) to the next generation.

Teachers who share this view of education for free government will take on the challenge of teaching The Federalist in their classrooms and communities. And if they do this, they may take pleasure in the certainty that Publius would have applauded their efforts. James Madison, for example, wrote: "What spectacle can be more edifying or more seasonable than that of Liberty & Learning, each leaning on the other for their mutual & surest support?"[13] By challenging their high school students to analyze and appraise ideas and issues in The Federalist, secondary school teachers can contribute significantly to perpetuation of civic learning for ordered liberty in a civil society.

Notes

1. Alexander Hamilton, James Madison, and John Jay, The Federalist. This collection of 85 papers in support of the Constitution of 1787 was first published in 1788 by McLean and Company of New York, NY. There are several excellent editions of The Federalist in print. Two examples are Jacob E. Cooke, editor, The Federalist (Middletown, CT: Wesleyan University Press, 1961) and Isaac Kramnick, editor, The Federalist Papers (New York: Viking Penguin Inc, 1987).

2. Letter from George Washington to Alexander Hamilton, 28 August 1788, in Saxe Commins, editor, Basic Writings of George Washington (New York: Random House, 1948), 546.

3. Richard B. Morris, Witnesses at the Creation: Hamilton, Madison, Jay and the Constitution (New York: Holt, Rinehart, and Winston, 1985), 21.

4. William A. McClenaghan, Magruder's American Government (Newton, MA: Allyn and Bacon, Inc., 1987), 50, 51, 56, 343, 370-371; the complete text of The Federalist No. 10 appears on pages 759-763.

5. Other widely used high school government textbooks, which provide less coverage of The Federalist than does Magruder's American Government, are listed by publisher and title: Coronado Publishers, Inc. We Are One (1986); McGraw-Hill Book Company, American Government (1983); Charles E. Merrill Publishing Company, American Government: Principles and Practices (1987); Scribner Educational

Publishers, Government in the United States (1987); Scott, Foresman and Company, Consent of the Governed (1987). High school history textbooks tend to provide even less coverage of The Federalist than the government textbooks do. The introductory-level college government textbooks provide more coverage of The Federalist than high school textbooks do, but they, too, seem rather limited in their treatments of this classic; see Danny M. Adkison and Lisa McNair Palmer, "American Government Textbooks and The Federalist Papers," The Political Science Teacher 1 (Winter 1988): 1, 15-17.

6. Roy P. Fairfield, "Introduction," The Federalist Papers (Baltimore: Johns Hopkins University Press, 1981), xix.

7. Diane Ravitch and Chester E. Finn, Jr., What Do Our 17-Year-Olds Know? A Report on the First National Assessment of History and Literature (New York: Harper & Row, Publishers, 1987), 55-58; the most recent studies by the National Assessment of Educational Progress are (a) The U.S. History Report Card and (b) The Civics Report Card, Princeton, NJ: Educational Testing Service, 1990.

8. The Federalist Nos. 10 and 51 discuss the danger of majoritarian tyranny and how to deal with it; in addition, see Madison's letter to Thomas Jefferson, 17 October 1788, in Marvin Meyers, editor, The Mind of the Founder: Sources of the Political Thought of James Madison (Hanover, NH: University Press of New England, 1973), 156-160.

9. Several books about The Federalist are listed here that might be helpful to teachers interested in the paradoxes and perennial issues of constitutional democracy: George Carey, The Federalist: Design for a Constitutional Republic (Urbana: University of Illinois Press, 1989); Martin Diamond, The Founding of the Democratic Republic (Itasca, IL: F.E. Peacock Publishers, Inc. 1981); Gottfried Dietze, The Federalist: A Classic on Federalism and Free Government (Baltimore: Johns Hopkins University Press, 1960); David F. Epstein, The Political Theory of The Federalist (Chicago: The University of Chicago Press, 1984); Adrienne Koch, Power, Morals, and the Founding Fathers: Essays in the Intepretation of the American Enlightenment (Ithaca, NY: Cornell University Press, 1961); Neal Riemer, James Madison: Creating the American Constitution (Washington, DC: Congressional Quarterly, Inc., 1986); and Morton White, Philosophy, The Federalist, and the Constitution (New York: Oxford University Press, 1987).

10. See the following learning materials for high school students developed by John J. Patrick, Lessons on The Federalist Papers (Bloomington, IN: Organization of American Historians, 1987); Liberty and Order in Constitutional Government: Ideas and Issues in The Federalist Papers (Richmond, VA: The Virginia Jefferson Association, 1989); and James Madison and The Federalist Papers (Washington, DC: National Trust for Historic Preservation, 1990).

11. A complete list of constitutional amendments proposed by the New York ratifying convention is presented in Linda Grant De Pauw, The Eleventh Pillar: New York State and the Federal Convention (Ithaca: NY: Cornell University Press, 1966), 297-302.

12. A complete list of constitutional amendments proposed by the Anti-Federalists at the Pennsylvania ratifying convention appears in a primary document, "The Address and Reasons of Dissent of the Minority of the Convention of Pennsylvania to Their Constituents," in Herbert Storing, editor, The Anti-Federalist (Chicago: The University of Chicago Press, 1985), 201-223.

13. Letter from James Madison to William T. Barry, 4 August 1822, in Marvin Meyers, editor, The Mind of the Founder: Sources of the Political Thought of James Madison (Hanover, NH: University Press of New England, 1973), 346.